United Nations S/2002/868

Security Council

Distr.: General
1 August 2002

Original: English

Letter dated 31 July 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 10 April 2002 (S/2002/391).

The Counter-Terrorism Committee has received the attached supplementary report from Switzerland, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

02-51357 (E) 210802

Annex

[Original: French]

Letter dated 11 July 2002 from the Permanent Observer of Switzerland to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

On instructions from my Government, I have the honour to transmit to you, enclosed herewith, the replies of Switzerland to the comments and questions of the Counter-Terrorism Committee concerning the Swiss report of 19 December 2001 (see attachment).

(*Signed*) Jenö C. A. **Staehelin**
Ambassador

Attachment

[Original: French]

Report on counter-terrorism submitted by Switzerland to the Security Council Committee established pursuant to resolution 1373 (2001)

Replies to the preliminary comments and questions from the Committee concerning the Swiss report of 19 December 2001

Paragraph 1 of the resolution

Subparagraph (b): Identifying economic ownership

1. *Could Switzerland please outline the procedures binding on financial intermediaries for determining or verifying "economic ownership"? What criteria are used to verify "economic ownership"? Have financial intermediaries already been convicted in Switzerland for "inadequate vigilance" in verifying economic ownership?*

These procedures are defined in the Anti-Money-Laundering Act (AMLA)

Under **article 3 of AMLA**, when a business relationship is established, the financial intermediary must verify the identity of the contracting partner — who is in principle the beneficial owner — on the basis of documentary evidence. In that connection, article 305 ter of the Swiss Penal Code provides criminal sanctions for lack of vigilance in respect of financial operations.

Moreover, under the following three assumptions, as mentioned in **article 4 of AMLA**, namely where: (1) the contracting partner is not the beneficial owner or where there is a doubt on the matter; (2) the contracting partner is a domiciliary company; or (3) a cash transaction involving a large sum as defined in article 3 (a) (2) of AMLA is carried out — financial intermediaries must require the contracting partner to make an additional written statement indicating that he is the beneficial owner. As regards global accounts or global deposits, financial intermediaries must insist that the contracting partner provide them with a complete list of beneficial owners and notify them immediately of any amendment to the list.

Article 5 of AMLA refers to the renewed verification of the identity of the contracting partner or identification of the economic beneficial owner. It provides that where, in the course of a business relationship, doubts arise as to the identity of the contracting partner or the beneficial owner, the verification of identity or the identification provided for in article 3 (identification of the contracting partner) and article 4 must be renewed. We would point out that in the case of redemption insurance, the insurance institution must renew the identification of the beneficial owner where, in the event of a disaster or a redemption, the owner is not the person mentioned when the contract was concluded.

In the banking field, these principles were spelled out in the Agreement on the Swiss Banks' Code of Conduct with regard to the exercise of due diligence (CDB 98) of the Swiss Bankers Association which provides, in particular, rules for establishing the identity of the beneficial owner (art. 3 CDB 98), rules for

domiciliary companies (art. 4 CDB 98) and procedures applicable in the event of changes and errors with respect to the verification of the contracting partner's identity or the declaration of identity of the beneficial owner (art. 6 CDB 98) (available in English at http://www.swissbanking.org/en/110_e.pdf).

In compliance with marginal figure 10 of the Circular of the Federal Banking Commission (CFB 98/1, Money-laundering), the rules for identification of the beneficial owner established by CDB 98 are the minimum standard applicable both for banks and for securities dealers and investment fund managers.

The Swiss judicial authorities have rendered 14 judgements under article 305 ter of the Penal Code (PC) (inadequate vigilance in financial operations) since 1998 (the date on which it became mandatory for cantonal authorities to notify the Money Laundering Reporting Office of procedures pending, judgements and charges dismissed). These 14 judgements comprise 3 convictions, 1 acquittal and 10 cases dismissed.

The Agreement on the Swiss Banks' Code of Conduct with regard to the exercise of due diligence (CDB 98) also provides machinery for penalties in the event of failure to comply with the requirements of CDB 98 (art. 11 ss CDB 98).

2. *Have there already been convictions of financial intermediaries in Switzerland for "failure to report suspicions"? What are the penalties that may be incurred and what penalties, if any, have already been imposed?*

There have so far been no convictions for failure to report suspicions (art. 37 AMLA). However, a number of cases are currently pending. A fine of up to 200,000 Swiss francs may be imposed.

Subparagraph (c): Freezing of assets, procedures

Please outline the procedure for freezing assets. By whom can it be initiated? Who decides on the freezing of assets? May such a freeze be appealed? If so, please enumerate and describe the various appeal or review procedures.

A. National procedure

1. Penal procedure

Freezing of assets: The possibility of seizure with a view to confiscation is governed by the Federal Act on Penal Procedure (PPF) and by the codes of penal procedure of the various cantons. Where a penal procedure has been instituted, sequestration measures may be ordered with a view to subsequent confiscation. Any property that stems from an offence may be confiscated (art. 59, ch.1 PC). It is also possible to order a sequestration measure against a third party or against organizations for the purpose of confiscation (art. 59, ch.1 and 2 PC). There is, in particular, considerable scope for the sequestration and confiscation of property stemming from organized crime. A court may order the confiscation of any property over which a criminal organization (including terrorist organizations) exercises a power of disposal (art. 59, ch.3, and art. 260 ter PC), irrespective of any evidence of the criminal origin of such property.

Appeal: The laws cited above also govern the appeal and review procedures as well as the competent authorities. Under the Federal Act on Penal Procedure, the

Indictment Chamber of the Federal Court has oversight of the Attorney-General of the Confederation and hears complaints against the Attorney-General and the federal examining magistrates. The acts and omissions of the Attorney-General and the examining magistrates may be the subject of a complaint to the Indictment Chamber of the Federal Court. The sequestration measures are a part of those acts and may therefore be the subject of such a complaint.

2. **Under the Anti-Money-Laundering Act (AMLA)**

Under **article 10 of AMLA**, a financial intermediary is obliged to block funds without notifying the owner when he notifies the Money Laundering Reporting Office (managed by the Federal Police Office) of a suspicion concerning money-laundering arising from a criminal activity, such as a terrorism-related activity. The account must remain blocked for five days reckoned from the date of the notification. On the expiry of the five days, the account is unblocked unless the Reporting Office transmits the case to the criminal prosecution authorities which may declare a judicial account blockage. In the context of the cases linked to the attacks of 11 September 2001, all notifications were transmitted to the criminal prosecution authority (Office of the Public Prosecutor of the Confederation).

B. Procedure for international judicial cooperation

Freezing of assets: A freeze is declared under the Federal Act on Judicial Cooperation in Criminal Matters. At the **cantonal level**, the freezing is declared by an examining magistrate or another judicial authority. At the **federal level** it is declared in particular by the Federal Justice Office, the Public Prosecutor's Office of the Confederation or the Directorate of Customs. In case of emergency, the immediate freezing of assets may be ordered.

Appeal procedures: Requests for judicial cooperation are for the most part **delegated to the competent cantonal court**. The latter issues a ruling in a conclusive decree. The procedures followed by the cantons may be challenged at two levels. The conclusive decree issued by a court of first instance may be challenged first before the highest competent cantonal court and then, through an administrative-law appeal to the Federal Court. An **incidental decision** in connection with cooperation, such as the **decision to declare a freeze** (which therefore precedes the conclusive decree), may be challenged either simultaneously or separately (at the cantonal level also in two courts, the first being the higher cantonal court) through an administrative-law appeal to the Federal Court, on condition that it causes immediate and irreparable harm to the claimant. A stay of judgement is granted only if the claimant makes such damage appear credible.

Requests for judicial cooperation which are **the responsibility of the federal authorities** may be the subject of an administrative-law appeal to the Federal Court. Earlier incidental decisions may also be the subject of an appeal in accordance with the procedure described above.

With respect to **extradition**, the freezing of funds in connection with the arrest of an individual may be challenged by means of a complaint to the Indictment Chamber of the Federal Court. This procedure applies to any decision connected with the detention of an individual.

C. Sanctions regime

Freezing of assets: A freeze may also be declared by a decision of the Federal Council (art. 184, para. 3, of the Federal Constitution), where so required to safeguard the country's interests, by means of time-limited decisions or orders. This is the legal basis that governed the independent implementation by Switzerland of the sanctions decided on by the Security Council at the beginning of the 1990s. Upon the date of entry into force of such an order, the funds are frozen. In addition to being regularly published in the official compilation of legal texts, these orders are made public by the State Secretariat of the Economy (Federal Department of the Economy) through the Internet and press releases. In the case of financial sanctions, the lists of individuals and corporate entities covered by such measures are transmitted without delay by the Federal Banking Commission to the compliance service of the head office of each banking institution in Switzerland. Any person holding or managing blocked funds is obliged to declare them immediately to the State Secretariat of the Economy. In case of doubt as to whether the funds are to be blocked or not, the financial intermediaries may seek any necessary clarifications from the State Secretariat of the Economy.

Appeal procedures: It is possible to appeal against a decision to block accounts although no appeal has ever been filed. In such a case, the State Secretariat of the Economy issues a declarative decision against which an appeal may be made, in the first instance, to the Secretariat of the Federal Department of the Economy.

Subparagraph (d): Non-governmental associations and organizations

Does Switzerland have a system for monitoring the financial activities of non-governmental associations and organizations operating in its territory, especially with respect to fund-raising?

In the context of criminal proceedings, banking secrecy is lifted by the court, and this permits oversight of the financial activities of the entity in question. Outside that framework, current Swiss legislation does not allow monitoring of the financial flows of non-governmental organizations, except as regards the United Nations sanctions mentioned above.

In order to be able to prohibit the financing networks of terrorist organizations in Switzerland, evidence must be produced, relevant to public safety, that the public interest takes precedence over the private interest. The measures taken, moreover, must also respect the principle of proportionality.

In recent years, measures have been taken in two cases in particular. In 2001, the Liberation Tigers of Tamil Eelam was forbidden to collect funds and engage in propaganda activities on the occasion of the commemoration of the "Day of Heroes". In addition, following the terrorist attacks of 11 September 2001, Al-Qaida as a whole and all other partner organizations, or other such organizations created subsequently, were prohibited.

In addition to the possibilities afforded by criminal proceedings, organizations' funds can be blocked by order of the Federal Council (see subpara. 1 (c) (C)). As at 31 May 2002, 69 bank accounts totalling 34 million Swiss francs had been blocked in accordance with Security Council resolution 1390 (2002) and the preceding resolutions.

Paragraph 2 of the resolution

Subparagraph (b): Counter-terrorism body and coordination

1. *Does Switzerland have a **body** (in addition to the Task Force Terror USA mentioned in the report) that specializes in counter-terrorism, or is this the responsibility of a number of departments or agencies? In the latter case, how is **coordination** between the various entities effected?*

Parallel to the Task Force Terror USA, an interdepartmental group on terrorism, comprising the relevant offices of the various federal departments, has been charged with coordinating the efforts to combat terrorism; in particular, this group reviewed the compatibility of the Swiss legal system with Security Council resolution 1373 (2001). The group is coordinated by the **Department of Foreign Affairs** (Directorate of Public International Law), and is composed of members of the **Department of Defence, Civil Protection and Sports**, the **Department of Justice and Police** (police, Public Prosecutor's Office, penal law, judicial assistance, law on aliens and on refugees), the **Department of the Economy** (State Secretariat of the Economy; Security Council resolution 1390 (2002)) and the **Department of Finance** (anti-money laundering). It also includes representatives of the **Federal Banking Commission**. Representatives of the Task Force Terror USA also attend the meetings. A subgroup of the interdepartmental group meets regularly to adopt operational decisions tied to recent events.

2. *Does each such agency establish its own **strategy** independently or does it carry out measures that have been established at a higher level? **Who determines that policy** and, if applicable, the distribution of tasks among agencies?*

The formulation of the anti-terrorism strategy emanates from the Federal Council, which relies on its **Commission on Security** (comprising the heads of the Department of Foreign Affairs, the Department of Justice and Police and the Department of Defence, Civil Protection and Sports) at the political level and on the **Administrative Committee on Security**, as a senior staff body, at the technical level.

Subparagraph (e): Definition of a terrorist act and anti-terrorism policy

*In the absence of legislation on terrorism, what are the legal criteria defining a **terrorist act** in Switzerland? How are such acts distinguished from other offences and crimes? How does Switzerland plan to create an **anti-terrorism policy** as distinguished from its general policy on crime?*

In Swiss law there are many penal norms applicable to **terrorist acts and their financing**. There are, for example, provisions relating to the following offences: murder (art. 112 of the Penal Code (PC)), hostage-taking (art. 185 PC), use of explosives with criminal intent (art. 224 PC), spreading of an illness to humans (art. 231 PC). All of these offences carry prison terms. Heavy penalties are provided, in particular, where a criminal act endangers the lives and physical integrity of several persons or causes major damage. If the offence is committed in the context of terrorism, the gravity of the terrorist act may be taken into account in sentencing. Instigation, complicity and attempt are punishable. Article 260 bis PC (acts preparatory to the commission of an offence) makes it possible to prosecute and punish anyone who, in accordance with a plan, makes specific technical or

organizational arrangements for committing a particularly reprehensible act (murder, assassination, serious physical injuries, banditry, hostage-taking, kidnapping and abduction, and arson). This legal provision effectively strengthens the fight against violent crime by enabling the police and the courts to intervene very early to put a stop to dangerous situations. Article 260 ter PC makes membership and support of criminal organizations punishable as a penal offence. While Switzerland now has a broad array of instruments at its disposal that can be applied in cases involving terrorist activities and financing, new legal provisions (terrorism and its financing) are currently in preparation (see subpara. 3 (c) (a)) with a view to the ratification of the International Convention for the Suppression of the Financing of Terrorism and with the aim of increasing and strengthening Switzerland's capacities to combat terrorism.

Subparagraph (f): Direct procedures for judicial assistance/refusal/appeal/time needed for implementation of a request for judicial assistance

a. *Does Switzerland have direct procedures for judicial assistance (the so-called "judge-to-judge" procedure) or are such procedures routinely carried out through diplomatic channels?*

Switzerland has thus far institutionalized direct procedures for judicial assistance in penal matters (direct contact between the judges involved) with four neighbouring States. In this context, the European Convention on Mutual Assistance in Criminal Matters, in case of emergency, allows the judicial authorities of the requesting party to send commissions rogatory and evidence pertaining directly thereto to the judicial authorities of the requested party. Moreover, Swiss domestic law also authorizes direct procedures in case of emergency.

It should be noted that with regard to Switzerland's establishment of a **sanctions regime** (see subpara. (1) (c), (C) and (D) above), the provision of administrative assistance to foreign authorities and the United Nations is envisaged in all ordinances.

b. *Can Switzerland refuse judicial assistance? If so, on what grounds?*

The Swiss legal system provides that a request for cooperation in penal matters is inadmissible if it does not meet a minimum standard of protection, as defined, in particular, by the International Covenant on Civil and Political Rights or the Convention for the Protection of Human Rights and Fundamental Freedoms, or if it would conflict with recognized norms of public international law.

Within the meaning of the provisions of some Council of Europe instruments, in particular, a request for cooperation is refused if the procedure involves a predominantly political act, constitutes a violation of military or similar obligations, or appears to be directed against the national defence or defensive capacity of the requesting State; **it is important to point out, however, that the contention that an act is political is always inadmissible if the act**:

- Is intended to destroy or oppress a population group on the ground of its nationality, race, religion or ethnic, social or political affiliation;
- Seems particularly reprehensible because the author, for purposes of extortion or coercion, has endangered or threatened to endanger the freedom, life or

physical integrity of individuals, in particular, by hijacking aircraft, taking hostages or the use of weapons of mass destruction;

- Constitutes a serious violation of international humanitarian law within the meaning of the Geneva Conventions and the Additional Protocols thereto.

Lastly, under Swiss law, a request is inadmissible if the procedure involves an act which appears intended to diminish tax revenues or which contravenes monetary, trade or economic policy measures; nevertheless, action may be taken on a request for cooperation if the proceeding involves tax fraud. In practice, taking into account the case-law of the Federal Court, such requests are always acted upon when they fulfil the conditions for cooperation.

Switzerland is among the States which cannot grant extradition if the individual concerned has been sentenced to death, if the sentence is to be carried out, and if the wanted individual is treated in a way that impairs his or her physical integrity.

c. *Could Switzerland please outline the procedures for appealing against a request for judicial assistance, in particular with respect to requests addressed to banks for financial information? Please enumerate and describe any recourse procedures.*

The procedure described under subparagraph 1 (c) (B) is the recourse procedure most often used.

It should also be pointed out that in cases involving the sovereignty, security, public order or other basic interests of Switzerland, the recourse authority is, in the first instance, the Department of Justice and Police, and second, the Federal Council. In the case of requests for a guarantee of reciprocity, choice of appropriate procedure or admissibility of a Swiss request, the Federal Justice Office adjudicates in the first instance, and then the Department of Justice and Police issues a final ruling on appeal.

With regard to the extradition of an individual and, accordingly, the transmittal of objects and assets pertaining to that individual, a decision on extradition can be impugned by means of an administrative-law appeal to the Federal Court.

How long does it take on average to implement a request for judicial assistance in simple matters (requests for information) and complex ones (banking investigations, questioning)?

Swiss law expressly provides an **obligation of promptness** in handling requests for judicial cooperation in penal matters. The competent authority is required to handle requests promptly, to take decisions without delay and to inform the Federal Justice Office, at its request, of the status of the procedure, the reasons for any delay and the measures envisaged. In case of unwarranted delay, the Office may approach the competent supervisory authority; if the competent authority refuses, without grounds, to take a decision or delays in announcing its decision, its conduct is taken to be a tacit refusal that is subject to appeal.

The requests received propose a range of measures of implementation. Accordingly, in simple matters, a judicial assistance procedure may take three to six months on average. In complex cases, however, depending on the scope of the requests for judicial assistance, the extent of the investigations to be undertaken in

Switzerland, the filing of supplementary requests and the use of recourse procedures, the duration of a judicial assistance procedure may vastly exceed a year. In the area of extradition, the Swiss system ensures effective cooperation, and the average duration of the procedure rarely exceeds a year.

Paragraph 3 of the resolution

Subparagraph (c)

a. *Please indicate when Switzerland expects to ratify the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism.*

The Swiss Government recently approved the message regarding the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism and the one regarding the amendment of the Swiss Penal Code. On 26 June 2002 it submitted the message and the respective legislative drafts to Parliament with a view to enabling Switzerland to become a party to both conventions by the end of 2002, at the same time as the new legislation enters into force.

Parliament will consider the report of the Swiss Government on the ratification of the two conventions through an expedited procedure in late August and early September 2002. Once Parliament has approved the two conventions and adopted the implementing legislation, it will, like any amendment to federal legislation, be submitted to an optional referendum. If, within three months, 50,000 Swiss citizens wish to make use of the referendum, the Swiss people as a whole will be able to express their views on the subject in a public vote. If there is no referendum, Switzerland can become a party to the conventions upon the expiry of the referendum period of three months.

b. *The CTC would be grateful if Switzerland could provide it with a list of those countries with which it has concluded relevant bilateral agreements.*

Switzerland has ties with many States on the basis of instruments concluded within the Council of Europe, which comprises more than 40 States. In particular, it is a party to the European Convention on Mutual Assistance in Criminal Matters, the European Convention on Extradition and the Convention on the Transfer of Sentenced Persons.

Switzerland is also eager to extend its network of bilateral treaties in these areas to the global level. It has concluded treaties on judicial assistance in penal matters with Australia, Canada, Ecuador, Egypt, Hong Kong, Peru and the United States.

More of a determining factor, in that it is also possible for Switzerland to cooperate without a multilateral or bilateral instrument: the answer to this question should be considered in the light of the above, namely, that it is possible for Switzerland to cooperate with any country provided that the requesting State respects the procedural guarantees established by the International Covenant on Civil and Political Rights or the European Convention on Human Rights, as well as recognized norms of public international law and reciprocity in general. Furthermore, it should be noted that the law on international penal assistance does not limit cooperation to a list of offences; international judicial assistance in penal

matters can, in principle, be granted for any penal offence, including one under administrative penal law.

Subparagraph (e): International conventions and bilateral agreements

The CTC would welcome an indication whether the crimes mentioned in the relevant international conventions have been included as extraditable offences in the bilateral treaties which Switzerland has concluded with other countries.

Switzerland does not limit extradition to a list of offences. Extradition can be granted if the offence carries a prison term of at least one year, or a more severe penalty, under Swiss law and the law of the requesting State and is not subject to Swiss jurisdiction.

The offences contained in the United Nations anti-terrorism conventions fulfil this condition and have, since Switzerland's ratification of the instrument in question, been regarded as giving rise to extradition. The same applies to the bilateral extradition instruments concluded by Switzerland. On principle, terrorist offences are covered by these instruments.

Subparagraph (g)

1. *Switzerland should inform the CTC of the implementation of the measures that it intends to take during 2002, as listed in its report under this item.*

Status of the measures taken or to be taken by Switzerland (see our report of 19 December 2001 (S/2001/1224)):

1. Accession to the International Convention for the Suppression of Terrorist Bombings;

2. Ratification of the International Convention for the Suppression of the Financing of Terrorism;

See subparagraph 3 (c) (a).

3. Implementation of the special recommendations to strengthen measures to prevent terrorist financing adopted by FATF in the wake of the attacks of 11 September 2001;

Mention should be made of the priority attached to the efforts for ratification of the two United Nations conventions and the establishment of a penal norm on terrorism associated therewith (see the first two recommendations adopted by FATF). In addition, the Swiss provision is in keeping with the FATF recommendations.

4. Linking all Swiss diplomatic missions to the computer-based visa issuance system in order to enhance the efforts to combat falsified documents;

The introduction of the **computer-based visa issuance system** and the project for the creation of **forgery-proof alien residence permits** (see subparagraph 2 (g) of document S/2001/1224) are proceeding as planned.

5. Forthcoming revision of the Penal Code to provide for the primary responsibility of entities for certain offences (organized crime: art. 260 ter PC; money-laundering: art. 305 bis PC; bribing of Swiss public servants: art. 322

ter PC; granting of an unfair advantage: art. 322 quinquies PC; bribing of foreign public servants: art. 322 septies PC);

The question of the responsibility of entities for the above-mentioned offences has already been considered by Parliament. It is anticipated, moreover, that the responsibility of entities will be extended to terrorism and the financing of terrorism. These legal provisions should enter into force at the same time as the International Convention for the Suppression of the Financing of Terrorism (see subparagraph 3 (c) (a)).

2. *In view of the call in subparagraph 3 (g) for States to "ensure, in conformity with international law, ... that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists", please indicate whether* ***Switzerland's reservation in the European Convention on the Suppression of Terrorism*** *done at Strasbourg on 27 January 1977 reflects current practice and whether Switzerland has any intention to consider the matter further.*

It is true that Switzerland formulated a reservation to the European Convention on the Suppression of Terrorism, but in practice this reservation is not an obstacle to judicial cooperation, especially when it concerns offences covered by the anti-terrorism conventions.

In fact, Swiss domestic law expressly provides that the contention that an act is political cannot be invoked if the act is intended to destroy or oppress a population group, seems particularly reprehensible because the author has endangered or threatened to endanger the freedom, life or physical integrity of individuals for purposes of extortion or coercion, or constitutes a serious violation of international humanitarian law (see subparagraph 2 (f) (b)). The use of terrorist methods as defined by the above-mentioned instruments cannot, on principle, be assimilated to a protected political offence, particularly because the use of such methods can affect innocent third parties and because sowing terror is frequently a goal of the offence and, consequently, the criterion of proportionality that is examined in connection with a political offence is not met.

Paragraph 4 of the resolution

International crime

Has Switzerland addressed any of the concerns expressed in paragraph 4 of the resolution?

> *("The Security Council notes with concern the close connection between international terrorism and transnational organized crime, illicit drugs, money-laundering, illegal arms-trafficking, and illegal movement of nuclear, chemical, biological and other potentially deadly materials, and in this regard emphasizes the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security")*

The effort to combat international terrorism and its interactions with the criminal activities underlying it has long been a concern of Switzerland and represents one of its action priorities at both the international and the domestic levels. This threat can only be countered through cooperation between States. Switzerland participates actively in the fight against terrorism in different

international forums. It has made consistent efforts within the United Nations and the Organization for Security and Cooperation in Europe (OSCE) to promote effective instruments to combat illicit trafficking in light weapons. It collaborates closely at the bilateral level through police and judicial assistance, particularly with the United States. Switzerland's legal instruments enable it to punish the criminal activities that are at the origin of terrorist acts, and it has strategic and operational structures in place in order to prevent and respond to the threat of terrorism.

In particular, in the field of international judicial cooperation in penal matters, Switzerland makes every effort to combat international crime as effectively as possible, particularly its most serious forms, such as international terrorism, organized transnational crime, drug trafficking, money-laundering, arms trafficking and illegal transfers of nuclear, chemical, biological and other lethal substances. Swiss legislation makes it possible to block criminal assets rapidly. As explained under subparagraph 3 (c) (b), it is possible for Switzerland to cooperate without a multilateral or bilateral international instrument.

The efforts of the police authorities to combat terrorism and transnational organized crime are carried out at the federal level through a common office. Efforts to combat the proliferation and international trafficking of drugs, weapons and persons, as well as money-laundering, are also the responsibility of that office. Lastly, there are legal provisions in the area of sequestration of assets and money-laundering that apply both to terrorist groups and to organized criminal groups. Organizing these efforts around a common central authority ensures a better exchange of information at the national and international levels.

In terms of legislation, Switzerland has signed the United Nations Convention against Transnational Organized Crime and intends to ratify it as soon as possible. On 2 April 2002, Switzerland also signed the two additional protocols to that Convention on illegal trafficking of migrants and trafficking of persons.

Lastly, Switzerland systematically adheres to the sanctions regimes adopted by the Security Council. As a member of all export control regimes, Switzerland is also very active in the area of non-proliferation of weapons of mass destruction.

Other matters

Could Switzerland please provide an organizational chart of its administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the resolution.

Federal Police Office:
http://internet.bap.admin.ch/e/portrait/Organigramme.pdf

Federal Aliens Office:
http://www.bfa.admin.ch/amt/portrait/organigramm_f.pdf

Federal Banking Commission:
http://www.ebk.admin.ch/f/portrait/fgramm.pdf

Office of the Public Prosecutor of the Confederation:
http://www.ba.admin.ch

Federal Customs Administration:
http://www.zoll.admin.ch/f/franz.htm

Federal Finance Administration:
http://www.efv.admin.ch/f/index.1.htm

State Secretariat of the Economy:
http://www.seco-admin.ch/seco/seco2.nsf/Atts/
secoInKuerze_org/$file/Organigramm_f.pdf